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STAT

**CONTROL OF OPIUM TRAFFIC IN INDOCHINA**

Decree of 3 September 1948

**CHAPTER I****EXERCISE OF THE MONOPOLY**

- Article 1:** The purchase, processing, and sale of opium in Indochina is a monopoly of the Indochinese Customs and Excise Bureau.
- Article 2:** Purchase and processing are direct monopolies of the Bureau. Sales monopoly shall be exercised either directly by the Bureau or by Third Parties conducting their activities under control of the Bureau.
- Article 3:** Cultivation of the opium poppy is the exclusive privilege of the Yaos, Meos, and other mountain groups which have traditionally devoted themselves to this occupation.
- This cultivation may be undertaken only upon authorization of the Customs and Excise Bureau which shall assure the verification and control of area of cultivation in agreement with local authorities, looking towards the eventual, progressive disappearance of this crop. Harvested opium may be consigned only to the Bureau.
- Article 4:** The Customs and Excise Bureau shall establish purchase markets for raw opium at convenient places and under conditions which seem most suitable to the Bureau.
- Article 5:** The importation (even for re-exportation), exportation, transit, storage and transshipment of opium is forbidden. However,

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importation of opium intended for the Monopoly is not subject to this prohibition. Moreover, pharmaceutical opiates covered in Chapter II of the decree of 10 July 1919, and the texts modifying that decree, regulating the trade, holding and use of poisonous substances are not subject to the regulations of the present ordinance.

Article 6: The Customs and Excise Bureau shall sell the various grades of opium throughout Indochina. For this purpose it shall establish the number of sales shops it deems necessary.

Article 7: Prepared opium shall be consigned by the Customs and Excise Bureau in sealed containers bearing the mark of the monopoly.

Article 8: Prepared opium known as regional opium, which may be sold *in certain provinces, is packaged* in boxes which clearly show the difference, and are standardized by the Director of Customs and Excise.

Except as provided in the last paragraph of Article 42 below, these opiums may be personally held, peddled or offered for sale only within the district for which intended.

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CHAPTER II

DISADDICTION

Article 9: With a view to the progressive reduction of the usage of prepared opium, adopting a licensed and rationed method recommended by the Bangkok Conference, the date of complete prohibition is 31 December 1953.

To this end the quantities of opium sold by the Monopoly should be reduced ~~from~~ 20 percent yearly, ceasing in 1954.

The basic year for the application of these successive reductions is 1944.

Article 10: The opium of the Monopoly may be sold only to persons registered as smokers in the Collectors Office of the Customs and Excise.

In collection districts where such registers are not kept opium smokers shall submit a request for registration, accompanied by documentary proof. In case of doubt, a medical examination may be prescribed by the Bureau.

The request mentioned in the preceding paragraph must be submitted within 30 days after the arrival of the Journal Officiel promulgating the ordinance at the provincial seat having administrative cognizance of

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the Customs and Excise Collection Office for the residential district of the petitioner.

Article 11: An "opium card" shall be made available to each smoker. This card shall specify the monthly quantities allowed, based on the degree of individual addiction.

The quantities allowed shall be automatically reduced 20% and each year beginning 1 January 1949. Regulations affecting the issuance of a card and the distribution of opium shall be decided by the Director of Customs and Excise.

The "opium card" shall authorize the transportation of opium purchased in the sales shops and justify the personal possession of the limit determined by Article 41 below.

The "opium card" is strictly non-transferable, either gratuitously or by selling.

Article 12: The "opium card" may not be issued to persons less than 21 years of age, not to officials and the military, or their co-resident families.

Article 13: Regarding European opium-smokers, their disaddiction must be total by 31 December 1949. They shall receive a quarterly card allowing a progressively reduced ration.

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**CHAPTER III**

**SALES**

Article 14: Whenever the Bureau shall not directly exercise its sales monopoly, third parties may be entrusted with these sales.

Article 15: The third parties shall be appointed by States [of Indo-china] and by a Commission composed of:

- the Finance Counsellor or his representative - Resident Member
  - the Political " " " " - Member
  - the Social " " " " - Member
  - the Director of Customs and Excise or his representative - Member
  - a Representative of the local government - Member
  - a Representative of the Commissioner of the Republic - Member
- a Customs and Excise official shall head the office of Secretary of the Commission.

Article 16: The third parties shall manage their sales shop or have it managed by someone approved by the Bureau.

In the latter case, the manager shall be answerable to the Bureau for all violations of the present ordinance.

Article 17: The third parties or their managers shall conduct their establishment only in a place designated by the Bureau, and after being licensed gratis for the current year by the Customs and Excise Bureau.

The license must be conspicuously displayed in the sales shop.

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Change of location of the sales shops shall be subject to the prior authorization of the Bureau, and the opium supply shall be issued by the Collectors Offices designated by the Bureau.

Article 18: The Bureau may demand that the third parties or their managers furnish a bond against possible fines for violations of the present ordinance.

Article 19: Prepared opium shall be sold unadulterated from the Monopoly standard. The opening of containers and retail sales are forbidden.

Article 20: Prepared opium may be sold, either directly by the Customs and Excise Collectors, or third parties or their managers, only to persons authorized to smoke it and upon presentation of the "opium card" issued by the Bureau.

The Collectors Offices of the Customs and Excise as well as the third parties or their managers may serve only the persons duly registered in their office proper, and may not sell quantities above the monthly allowance of each smoker. The conditions of sale and the identification of smokers shall be fixed by decision of the Director of Customs and Excise.

Article 21: The sale price of prepared opium shall be fixed by ordinance of the French High Commissioner for Indochina. The same ordinance shall determine the amount of stock allowed to authorized third parties.

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In cases where sales are made directly by the Bureau, collections shall be on the basis of the selling price for consumers.

The list of selling prices shall be conspicuously displayed in French, in transliterated Indochinese and in Characters, in every sales shop.

Article 22: The Customs and Excise collectors shall register <sup>in a booklet</sup> the quantities of prepared opium consigned to authorized third parties, upon each delivery.

Article 23: Opium dens, regardless of name and style of operation, are prohibited throughout Indochina. All public or private premises where individuals can obtain opium for consumption on location with facilities made available by the occupant shall be considered opium dens. Adjoining premises where 4 or more smokers are assembled for purposes other than residence are considered opium dens. The Director of Customs and Excise shall decide the price of the booklet. The booklet shall also permit transfer between the Collectors Office of Customs and Excise and the sales shop or third party. It must be shown upon request of the authorities.

Article 24: Sales shops must maintain standards. The Monopoly agents shall have entry to these establishments at any time during the 24-hour period of the day and may inspect or search as they judge necessary, and without the presence of an officer of the judiciary police.

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CHAPTER IV

**LAW ENFORCEMENT**

The undeclared or smuggled importation, the fraudulent payment, the discovery aboard ships, and the traffic in the Customs area without a waybill, of raw or prepared opium shall be noticed, followed and proved in accordance with the Customs laws and regulations applicable in Indochina to prohibited articles. The seized opium shall be valued on the basis of the official sales price in the district of seizure. This value shall serve to determine the amount of fine whenever the latter is in excess of the minimum stipulated in the enforcement texts.

Whenever the opium has not been confiscated, the superior courts may order the payment of a sum calculated as in the above paragraph, in place of the confiscation.

**Article 26:**

The transportation or possession of, the sale or gratuitous transfer of opium other than monopoly opium by any person shall be punished by a fine of 5,000 to 20,000 francs and imprisonment from two months to three years. The confiscated opium as well as the transport facilities, and if it be the case, the merchandize camouflaging the fraud shall become the property of the monopoly.

In case of second offense the maximum fine shall be charged and the minimum term of imprisonment.

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**Article 27:**

In case of contraband opium found abandoned on Indochinese territory, a written statement of seizure shall be drafted and the superior courts shall declare the opium, transport facilities and articles of camouflage to be the property of the monopoly.

**Article 28:**

Any transporter of contraband opium belonging to persons unknown shall be personally responsible for the violation of the law. The transport facilities and the articles used as camouflage as well as the opium shall be confiscated by the Monopoly.

**Article 29:**

Any individual who processes or has others process opium or in any way adulterates the Monopoly opium shall be fined 5,000 to 20,000 francs and imprisoned for a period of two months to three years.

The processed products seized as well as the tools serving or having served the process, and the containers of the seized products shall be confiscated.

In case of repeated offense, the maximum fine shall be charged and the minimum term of imprisonment shall be six months.

**Article 30:**

The manufacture or the possession of packaging or parts of packaging counterfeiting those utilized by the Monopoly shall be punished by the penalties stipulated in Article 29 above.

The same penalties are applicable in case of illicit possession of packaging or parts of packaging used by the Monopoly.

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Penalties stipulated in the first paragraph of this article are separate from those provided in Article 142 of the Penal Code.

Article 31:

The following shall be punished by a fine of 1,000 to 5,000 francs without prejudice to the penalties provided in Article 142 of the Penal Code:

Those who have forged "opium cards" or who have tampered with cards issued by the Monopoly, by changing the name or photograph, making false statement or giving false information pertaining to their citizenship;

Those who have aided the forgery and circulation of forged "opium cards";

Those who shall have caused to have issued to them or attempted to procure such an "opium card" in more than one Collectors Office of Customs and Excise.

Those who shall have sold or transferred their "opium cards";

Those who shall have purchased or received gratis an "opium card".

The "opium card" shall be revoked as further penalty in the cases stipulated in the last three paragraphs of this article.

Article 32:

The sale of Monopoly opium by an unauthorized person shall be punished by a fine of 1,000 to 5,000 francs.

The purchaser and seller shall be declared jointly responsible of the violation.

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In case of repeated offense during the same year, the maximum of the fine shall be applied.

The seized opium as well as the containers shall be confiscated.

Article 33:

Authorized third parties or managers who process or shall have processed or who transport, sell or offer for sale, distribute or possess any quantity of opium besides that of the Monopoly, or shall adulterate the Monopoly opium by the addition of any substance, shall be punished by a fine of 10,000 to 40,000 francs and by imprisonment for a term of 3 months to 3 years.

Contraband or adulterated opium shall be confiscated by the Monopoly, as well as its containers and its transport media.

Article 34:

The authorized third party or manager who counterfeits the seal of the Monopoly shall be punished by a fine of 5,000 to 30,000 francs and by imprisonment of 3 months to 5 years, without prejudice to the penalties provided in Article 142 of the Penal Code.

Article 35:

The third party or manager who shall sell Monopoly opium at a price above that fixed by ordinance shall be punished by a fine of 1,000 to 5,000 francs.

In case of repeated offense during the year the maximum fine shall be applied.

Article 36:

Third parties or managers who sell Monopoly opium to a person

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without an "opium card" shall be punished by a fine of 1,000 to 5,000 francs.

In case of repeated offense during the year, the maximum fine shall be applied.

## Article 37:

Violations of Article 19 above shall be punished by a fine of 1,000 to 5,000 francs. In case of repeated offense during the same year, the maximum fine shall be applied.

## Article 38:

In the cases stipulated in Articles 33, 34, 35, 36, 37, the license may be revoked.

Furthermore, if the violation is by a manager, his managership shall be revoked.

## Article 39:

In case of the fraud stipulated in Articles 25, 26, 28, 29, 33 and 34 above, the Monopoly shall be entitled to damages and interests for a minimum amount of five times the value of the fraudulent stock calculated at the official sales price of the Bureau of Custom and Excise in the district where the violation was committed. However, in cases where opium is discovered aboard ships within the limits of commercial ports and roadsteads, the Monopoly shall be entitled only to damages and interests not less than the value of the seized opium, nor more than three times that value calculated as explained above.

## Article 40:

Occupants of opium dens shall be punished by a fine of 5,000 to

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50,000 francs and by imprisonment of 3 months to 3 years.

The material and special furnishings as well as the opium and its containers shall be confiscated by the Monopoly. If the operator has an "opium card" it shall be revoked. In case of repeated offense, the fine may not be less than 10,000 francs and imprisonment not less than 6 months.

Article 41:

The possession and transportation of Monopoly opium by a person without an "opium card" shall be punished by a fine of 500 to 2,000 francs, and the opium shall be confiscated by the Monopoly.

"Opium card" holders possessing and transporting quantities above a two-month supply shall be punished by the same penalties.

Article 42:

Except for the proviso in the last paragraph of this article, the so-called regional opium found outside the districts for which it is intended shall be considered contraband opium, and its transportation, possession, and sale punished by the penalties stipulated in Articles 26, 33, and 39 above, according to the case.

By derogation of the proceeding measures these penalties shall not be applied to possession or transportation of opium outside the districts for which they are intended, on the condition that it concerns the holder of an "opium card" and that the quantity, possession or transport is not in excess of the maximum fixed by the Article 41 above.

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Article 43:

The measures of the decree of 8 November 1934 concerning house inspections in the premises where fraudulent opium is trafficked are made applicable to inspections and searches in all the premises affected by Article 23 of this law, regardless of the type of opium which has been smuggled.

Article 44:

Each time that prepared opium does not appear completely identical to that of the monopoly, the employees of the Customs and Excise shall take samples which shall be sealed for its transmission to the Opium Manufacturing Laboratory in Saigon for examination.

The suspected opium shall be withheld for safekeeping and a written statement of seizure shall be drafted if the case warrants, pending the result of the examination which shall be final.

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CHAPTER V

MISCELLANEOUS DISPOSITIONS

Article 45:

The Yaos, Moos and other mountain groups who are traditionally devoted to the cultivation of the opium poppy shall be entitled to smoke opium produced by themselves, after due declaration to the local authorities.

The peddling or other traffic of this opium shall be considered an act of contraband, aside from the case of transit for the purpose of delivering to the official centers of purchase fixed by the Monopoly.

Article 46:

All previous measures contrary to this ordinance, specifically to the ordinance of 18 May 1948, are abrogated.

Article 47:

The Finance Counsellor, the Attorney General of the Saigon Court of Appeals, the Chief of the Judiciary Service of Indochina, the Director of the Cabinet, are charged each in his own jurisdiction with the enforcement of this ordinance, which shall be published in the Journal Officiel de l'Indochine

Saigon, 3 September 1948

/signed/ BOLLAERT

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